

REMARKS

Claims 1-8, 11, 13-19, 21 and 23-30 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

FINALITY OF THE OFFICE ACTION

Applicant respectfully asserts that the finality of the present action is premature. According to MPEP §706.07(a), a second or any subsequent action on the merits is final “**except** where the examiner introduces a new ground of rejection that is **neither necessitated by applicant’s amendment of the claims** nor based on information submitted in an information disclosure statement...”

Applicant respectfully points out that to overcome Examiner’s rejections in the first office action mailed September 13, 2003, Applicant amended claims 1, 11, 16 and 21. Such amendments merely integrated subject matter from the original dependent claims into the independent claims and do not present or add new matter. Upon examining the original independent and dependent claims, the Examiner was apprised of all subject matter of the present claims.

In particular, previously presented claim 1, includes the limitation of the original claim 2 (“reusable panel corresponds to a whiteboard panel for use with temporary markers dispensing erasable ink”); original claim 3 (“digitizer corresponds to a scanner for scanning whiteboard notes from the whiteboard panel”); original claim 10 (“redisplay capability stems from a plotter operably coupled to said reusable panel”); original claim 11 (“further comprising an active display for display of a plurality of headers, wherein

associated digital information that is digital information associated with a header is concurrently displayed on said active display with the header upon selection of the header by a user.”); and original claim 12 (“wherein the associated digital information is displayed on the reusable panel via the redisplay capability as machine-drawn marks at an option of the user, and wherein the machine drawn marks resemble the user-drawn marks from which the associated digital information was generated”). Previously presented claim 16, includes the limitations of original claim 17 (“wherein the digital information is associated as data with each header as metadata”); and original claim 20 (“displaying index information associated with metadata, wherein the metadata indexes data corresponding to digital information generated from user-drawn marks, and wherein the metadata corresponds to a header based at least in part on a selected portion of the user-drawn marks”). Claims 11 and 21 were amended to provide proper claim number dependency.

As shown, the new grounds of rejection are not caused or necessitated by Applicant’s amendments. Incorporating subject matter of the dependent claims only alters the scope of the claims and not the content to be examined. Therefore under MPEP §706.07(d) the final status of the rejection is premature. Applicant respectfully requests reconsideration of the finality of the last Office Action.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-6, 11, 16-18, 26, 27, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carau (U.S. Pat. No. 6,318,825) in view of Weber (U.S. Pat. No. 5,572,651). This rejection is respectfully traversed.

The Carau reference appears to disclose a device for electronically capturing, storing and redisplaying an image on a whiteboard. An image capture/inkjet printhead device scans the surface of the whiteboard and stores the information (Column 1, lines 42-44). The stored information is redisplayed on the whiteboard using a board-wide array inkjet print head (Column 1, lines 44-47) where drops of liquid colorant or ink are dispensed from an inkjet cartridge onto the whiteboard surface (Column 2, lines 39-56). Carau teaches retrieving a single whiteboard image and does not disclose multiple image storage or recall.

The Weber reference appears to disclose a method and system for retrieving computationally significant categorized information in graphical input systems with information data comprising non-computational significant visual information (Column 3, lines 45-49). The system includes a table with one set of cells designated for key object data items and another set of cells designated for information data items (Column 17, line 36 to Column 18, line 29; Figure 9). Information data provided by the user in an information work space or cell (Column 18, lines 13-15) are associated with a corresponding identifier or information designator cell (Column 18, lines 8-21) located outside of the information work space (Column 18, lines 12-29). The identifier or information designator cells can include a “keyword palette” or a striping region located between the information work space and the key word palette (Column 18, lines 12-29).

With respect to Claim 1, it appears to be Examiner’s assertion that because a single whiteboard image can be saved onto transferable media and because Carau allows retrieval of the “same or a different whiteboard image ... from memory”, that a plurality of captured whiteboard images as taught by the primary reference Carau will

naturally be indexed according to the teachings of Weber. Applicant respectfully points out that Examiner's quotation of the Carau reference mischaracterizes the reference and is incomplete. The entire sentence reads: "When the session is to be resumed, the **same or a different whiteboard image capture/inkjet printhead device 102 may retrieve the data from memory at 206.**" (Column 3, lines 31-37). This statement relates to retrieval and redisplay onto a different or non-capturing whiteboard. The option to redisplay or print onto several destination sources merely provides a variety of output choices and is wholly unrelated to cataloging several boards or board segments of stored data. Cataloging or indexing facilitates the retrieval of such a plurality of images with letters, numbers or symbols and is irrelevant to the Carau single image displayed several times onto different whiteboards.

Furthermore, to combine Carau and Weber results in saving single whiteboard images onto a single transferable media or computer memory, retrieving those items using a table based whiteboard organization system and subsequently cataloging those items. This is contrary to Applicant's labeling data with headers while the image is on the single cell whiteboard and simultaneously creating an indexing system. This is further supported by the fact that Weber's organizational methods relate to linking data cells with identifier cells on tabular whiteboards and do not serve as organizational methods for use with transferable media or computer memory.

The disclosure of Carau in view of Weber fails to teach or disclose applicant's single celled whiteboard designed to capture and electrically redisplay information catalogued by a header. Insofar as the cited references do not suggest or teach the invention of Claim 1, Applicant believes that the claim is patentably distinguished from

Carau and Weber, and that accordingly, the respective rejection should be withdrawn. The obviousness rejection is similarly improper for the rejection of claims 16 and 26, based upon the same grounds. Therefore, reconsideration and withdrawal of these rejections are respectfully requested.

Claims 7, 8, 13-15, 19, 21, 23, 24 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Carau (U.S. Patent No. 6,318,825) in view of Weber (U.S. Patent No. 5,572,651) in view of Lee (U.S. Patent No. 5,048,099).

With respect to the rejection of claims 7 and 8, Applicant respectfully points out that the focus and subject matter of the Weber invention is separate from Applicant's invention. The necessity of method claim steps is determined by each Applicant and preferred embodiments of the invention and not necessarily dictated by a distinct method or process as claimed by a different inventor.

As stated above the combination of Carau and Weber fails to teach Applicant's invention. The addition of the Lee reference, that teaches an extraction algorithm, still fails to disclose Applicant's invention. Lee appears to disclose a polygon based method for extracting text from a paper document using an algorithm. Using a dark pen, the user circles segments of the paper document for extraction (Column 3, lines 29-30). After scanning the paper, the encircled regions are extracted and converted into an electronic document using the Lee algorithm (Column 3, lines 30-40; Column 5, lines 25-30). The algorithm is a repeated scanning and marking of pixels from a start point detected on a horizontal scan line that terminates when the scan returns to the starting point for a completion of the contour (Column 3, lines 41-50; Column 5, lines 25-30).

The combination of the Carau capturing and redisplaying a single whiteboard image on the same or a different output source and the Weber elaborate system of cells on a table based whiteboard system to categorize information paired with the Lee extraction of completely encircled key data using a specific algorithm fails to teach or suggest using Applicant's non-segmented whiteboard to create headers for information images using entire or partially enclosed identifier images. Insofar as the cited references do not suggest or teach the invention of Claims 7 or 8, Applicant believes that the claims are patentably distinguished from Weber, Lee and Carau, and that accordingly, the respective rejection should be withdrawn. The obviousness rejection is similarly improper for dependent claims 13-15, 19, 21 and claim 28, based on the same grounds, for the reasons stated above. Therefore, reconsideration and withdrawal of these rejections are respectfully requested.

Examiner states that claims 13 and 14 are rejected because the Lee reference teaches an extraction algorithm that resembles Applicant's algorithm. The Lee reference appears to show a polygon based method for extracting text from a document using an elaborate contour vectorization process including contour pixel tracing and linear approximation of contour pixels (column 7, lines 5-10) using a specific contour orientation discrimination parameter (column 5, lines 25-30). The Lee reference is extremely limited in that the algorithm only detects completely closed circles and as such, the algorithm and the invention will fail if the circle is not completely closed (Column 1, lines 22-23; Column 2, lines 50-52; Column 2, lines 60-62; Column 3, lines 41-50; Column 3, lines 59-60; Column 4, lines 10-12; Column 6, lines 7-8; Column 6, lines 48-49; and Column 7, lines 35-37). To the contrary, Applicant's invention does

not include the limitations of one specific algorithm and further does not require that the information be completely enclosed in a circle. Applicant's invention instead allows for a curve recognition system and "the user-drawn circle 64 can be closed or near closed." (paragraph 0038). Additionally, the Lee algorithm is incorporated into the only independent claim and the reference does not teach or disclose the use of alternative methods of extraction.

The combination of the Weber table based whiteboard system to categorize information and the Lee algorithm to extract encircled data fails to teach or suggest Applicant's single cell whiteboard system that detects and can extract information or headers from closed or near closed circles. Insofar as the cited references do not suggest or teach the invention of Claims 13 or 14, Applicant believes that the claims are patentably distinguished from Weber and Lee, and that accordingly, the respective rejection should be withdrawn. The obviousness rejection is similarly improper for claims 23, 24 and 25, based on the same grounds. Therefore, reconsideration and withdrawal of these rejections are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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